Remarks

I. Introduction

Claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63 and 100-102 are pending in this application. By this amendment, claims 1, 3, 7, 8, 12, 13, 16, 21, 24, 28, 30, 33, 35-42, 44, 47, 52, 55, 57 and 100-102 have been amended to further distinguish over the art of record. Claims 2, 11, 14, 26, 34, 43, 45, 56 and 64-99 have been cancelled without prejudice or disclaimer. Reconsideration, in view of the foregoing amendments and following remarks is respectfully requested. No new matter has been added by this amendment.

II. Rejections under 35 U.S.C. § 112

i. 1st Paragraph

Claims 1-63 and 100-102 stand rejected under § 112, 1st paragraph as allegedly failing to comply with the enablement requirement. Specifically, the Examiner alleges that there is insufficient support in the specification for the claim term "trial balance." Applicants respectfully traverse the rejection.

Paragraph [0039] of the original specification states:

> The business performance information 106 may be provided in a raw format or **may be arranged in any of a variety of performance reporting formats, such as ledgers, income statements, balance sheets, operation specifications, etc.** Preferably, the business performance information 106 is provided in electronic form and in a format used by any number of conventional accounting or business operation software programs. In other embodiments, however, the business performance information 106 may be provided in hard-copy format (e.g., a print out of the general ledger, income statement, balance sheet and/or cash flow statement), and the information represented on the hard copies may be converted to electronic form by the performance management system 102 by manual entry or by using an optical character recognition (OCR) process.

Applicants submit that the recitation of "any of a variety of performance reporting formats, such as ledger, income statements, balances sheets, operation specifications, etc." is broad and general enough to encompass trial balance reports. Applicants

further submit that the use of "any of a variety of, such as" and "etc." make it clear that the examples provided are illustrative rather than comprehensive. Moreover, a trial balance is a known reporting format. In the art of bookkeeping, a trial balance is known as a worksheet where all the balances of every account in the ledger are entered into two columns, namely debit and credit. The total of the debit side should always be equal of the credit side, proving the arithmetic accuracy of the ledger entry. Support for the notion that a trial balance is consistent with "any of a variety of performance reporting formats" can be further found in the Examiner's own words used in the rejection under 35 U.S.C. § 103(a) on page 9 of the Office Action. In relevant portion, the Examiner states that, "... *while Smith does not expressly disclose that the performance information comes from a trial balance report, Smith does disclose using well known financial performance instruments such as general ledgers.*" Thus, the Examiner has acknowledged that a trial balance is encompassed by "well known financial performance instruments." Thus, Applicants respectfully request that the rejection of the claims under § 112, 1st paragraph be withdrawn.

ii. **2nd paragraph**

Claims 1-63 and 100-102 stand rejected under § 112, 2nd paragraph as allegedly being indefinite to the phrase "generally accepted accounting principles" in each of the independent claims. Applicants submit that this rejection has been rendered moot by the removal of this phrase from the claims by this amendment.

III. Rejections under 35 U.S.C. § 103(a)

Claims 1-63 and 100-102 stand rejected under § 103(a) as allegedly obvious over U.S. Patent 6,850,643 to Smith, II et al. (hereinafter "the Smith patent"). At the outset, Applicants note that claims 2, 11, 14, 26, 34, 43, 45, and 56 are no longer pending in this application, however, as the rejection applies to the remaining claims it is respectfully traversed.

In particular, Applicants submit that the Smith patent fails to disclose or even suggest a method comprising, ***inter alia***, obtaining a trial balance report containing

performance information associated with a business, ... the performance information in the trial balance report having a first format based on a first set of performance classifications, converting, using an automated process executing on the data processing system, the performance information in the trial balance report from the first format to a second standardized format based at least in part on a conversion map associated with the business, the conversion map defining a correspondence between one or more performance classifications of the first set of performance classifications one or more respective performance classifications of a second set of standardized performance classifications, aggregating the converted performance information with performance information associated with at least one other business, thereby creating a standardized database of private company performance information, analyzing the converted performance information associated with the business based at least in part on one or more performance metrics; generating at least one electronic report based on the results of the analyzing for the business whose performance information was obtained; and automatically providing at least a portion of the at least one electronic report to at least one requesting party, as recited in amended claim 1 and similarly recited in amended claims 24, 100 and 102.

Likewise, Applicants submit that the Smith patent fails to disclose or even suggest a system for automated management of performance information comprising, ***inter alia***, a performance information receipt module that receives performance information uploads in the form of an electronic data file containing business performance information associated with a business, the performance information having a first format based on a first set of performance classifications, a mapping module, including a map database, that converts the performance information from the first format to a second standardized format based at least in part on a mapping between one or more performance classifications of the first set of performance classifications and one or more performance classifications of a second set of performance classifications, the mapping maintained in the map database, a database module for storing the converted information with information associated with at least

one other business thereby creating a standardized database of private company performance information, an analysis module for analyzing the converted performance information based at least in part on one or more performance metrics, a performance report/alert generation module for generating at least one performance report based on results of the analysis module, the performance report/alert generation module providing the at least one performance report to at least one requesting party, as recited in amended claim 33 and similarly recited in amended claims 55 and 101.

The Smith patent describes a loan collateral monitoring system based on electronic submission of accounting files. The system receives files from the submitter's accounting system, preferably over the Internet, and tries to standardized the data in the files by recognizing the type of file. This process is described in the Smith patent beginning at col. 13, line 33.

> Segmentation is performed by attempting to identify the rows and columns in a document based on the layout of information within that document. This problem is known as the shifting columns problem and is largely caused by users changing the format of the document by increasing or decreasing the size of the columns from within the legacy systems. If the user changes the size and/or the spacing of the columns in the submitted file, it renders the submitted file unrecognizable by the extraction and mapping/translation processes, which rely on positional information of the data in order to extract the pertinent data from the files. Therefore, if necessary, a column recognition process is used on the file using segmentation and other graphical analysis algorithms to identify "edges" which define the boundaries of tables and columns within the tables. The segmentation process produces a delimited file, which does not depend on positional information. The outputted file from this process corrects the positional problems caused by the shifted columns and allows for the extraction and mapping/translation processes to work properly. Once segmentation is complete, or if no segmentation is necessary, the resultant file is submitted along with the known data types retrieved from the data repository to a file recognition process 514.
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> For file recognition 514, a list of known file types is retrieved from data repository 100 for the specific user who submitted the document. This list along with the preprocessed file is submitted to a screening algorithm which scans the file against a list of regular expressions contained within the list of known file types. The scanning algorithm searches for a match between the content of the preprocessed file and one of the stored regular expressions. If a file has gone through the entire set of regular expressions for the given user and no match is made 516, control is returned to workflow and process manager 102 with an error message 518. If a file has gone through the set of known regular

expressions and the file matches more than one regular expression in the set, an error 518 is sent and control is returned to workflow and process manager 102 indicating that the file could not be recognized. In this case, the filetype is ambiguous since it has matched more than one regular expression and therefore, a decision about which extraction and mapping/translation scripts to select can not be made. If a file is successfully matched with a corresponding regular expression, then the file, the data extraction script, and a translation script are passed on to a text extraction process 520.

When a given file reaches text extraction, it has been identified by file/report type as a specific type and the correct extraction script that can handle this file has been selected. The extraction script is used to extract relevant data from the flat file into a format from which mapping and translation 524 can occur.

Data extracted during text extraction 520 is then mapped and translated 524 into an intermediate format. This process uses a script that dictates how to map the extracted data to the intermediate file format. If successful 526, the parsed data are then passed to workflow and process manager 102 for further processing 528. If errors occur during the mapping and translation of the extracted data, then a message 530 is sent and control is returned to workflow and process manager 102.

Thus, in the system of the Smith patent, data is extracted based on a determination of the type of file that is submitted - this determination is based on a set of known data types which are retrieved from a data repository. Electronic documents are pre-characterized and mapping/translation details are developed as scripts on a per document type basis. These mapping/translation scripts are then automatically selected and used to automatically drive the subsequent information extraction process. They are not based on a map representing a correlation between a set of user-defined performance classifications (e.g., a user defined financial account or operational classification) and a set of standard classifications.

In the system of the claimed invention, mapping is not based on the type of document. The document type is known. Rather, the mapping is based on a conversion map representing a correlation between user (submitter) specific performance classifications — that is, accounts specific to that submitter business —and set of standard performance classifications (e.g. a standard financial account or operational classification). See original specification at paragraph [0048]. As is noted at paragraph [0049], multiple user-defined performance classifications may be associated

with a single standard performance classification. This is a situation that is not can not be addressed in the system of the Smith patent because mapping is performed generally based on a per-document type basis and is not robust enough to handle variations between submitter business for the same document type. The mapping process of the claimed invention is not based on column spacing or other physical attributes of the data file as in the Smith patent, but rather based on a correlation between financial accounts and/or operational classificaitons. The Smith patent simply does not disclose mapping based on a conversion map representing a correlation between a user defined financial account to a standard financial account.

In addition to this fundamental difference between the way data is converted in the system of the claimed invention and that of the Smith patent, there are other points of distinction as well. For example, each of the independent claims recite creating at least one performance report based on results of the analysis of the converted performance information, and providing the at least one performance report to at least one requesting party. The Smith patent does not disclose or suggest providing results to a requesting party because the Smith patent is not a private business performance information portal used by submitting and requesting parties. Rather it is a system for a lending institution to monitor its own collateral and, while the conversion is automated, the analysis is largely based on manual processes. At col. 18, line 4, the Smith patent states, "Historical and industry-specific information can be used to detect aberrations in the borrowing customer's performance and may be used to help identify trouble early. An example of a comparison method is a statistical process chart. If AR performance issues are found 824, then AR performance status is reviewed and evaluated 826 by the account manager 804." Reports are not provided to requesitng parties. Therefore, Applicants submit that at least independent claims 1, 24, 33, 55, and 100-102 are patentable over the Smith patent.

Dependent claims 3-10, 12, 13, 15-23, 25, 27-32, 35-42, 44, 46-54, and 57-63 are patentable over the Smith patent for at least the same reasons as independent claims 1, 23, 33, 55, and 100-102. However, there are additional bases of distinction over the

Smith patent in at least some of the dependent claims. For example, at least dependent claims 3, 28, 35, 47 and 59 recite automatically generating alerts for a requesting party, the alert identifying at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associated with the at least one performance metric that is set by the requesting party. The Examiner has made a general allegation that the Smith patent teaches alerts. However, alerts in the context of the Smith patent are used to report processing errors, that is, the failure of the system to successfully map an incoming file, not based on the analysis of the data in the file. Accordingly, Applicants submit that at least some of the dependent claims are patentable over the Smith patent for this reason as well.

IV. Conclusion

Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited. Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully Submitted,

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